

Message Text

UNCLASSIFIED

PAGE 01 PARIS 26336 01 OF 03 091840Z
ACTION L-03

INFO OCT-01 EUR-12 ISO-00 OES-07 ERDA-07 FEA-01
ACDA-10 CIAE-00 INR-07 IO-14 NSAE-00 NSC-05 EB-08
NRC-07 DODE-00 SS-15 SP-02 AF-10 ARA-14 EA-12
NEA-10 PM-05 AID-05 CEA-01 COME-00 FRB-01 USIA-15
OPIC-06 TRSE-00 LAB-04 SIL-01 AGRE-00 OMB-01 /184 W
-----034537 091915Z /47

P 091832Z SEP 77

FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 8406
INFO AMEMBASSY VIENNA PRIORITY

UNCLAS SECTION 01 OF 03 PARIS 26336

USOECN, USIAEA

PASS OEC: L/OES: ERDA (AIA, OGC)

E.O. 11652: N/A

TAGS: OECN, TGEN

SUBJ: MODERNIZATION OF NEA STATUTE--MEETING OF AD HOC
LEGAL WORKING GROUP

REF: A. STATE 039732 (FEB. 22, 1977); B. STATE 069429
MARCH 29, 1977; C. STATE 093212 (APRIL 25, 1977)

1. SUMMARY: AT SEPTEMBER 8 MEETING OF AD HOC LEGAL
WORKING GROUP, ALL U.S. PROPOSALS CONTAINED REFS. A,
B AND C AGREED IN PRINCIPLE WITH NUMEROUS DRAFTING
AMENDMENTS. ALL EARLIER PROPOSED MODIFICATIONS
CONTAINED IN NEA DOCUMENT NE(74)1 AS AMENDED BY
NE(77)1 ALSO AGREED. NO OTHER SIGNIFICANT AMENDMENTS
PROPOSED. SECRETARIAT WILL PREPARE AMENDMENTS FOR
CONSIDERATION BY NEA STEERING COMMITTEE AT OCTOBER
MEETING. END SUMMARY.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 PARIS 26336 01 OF 03 091840Z

2. AT SEPTEMBER 8, 1977 MEETING OF NEA AD HOC LEGAL
COMMITTEE ON MODERNIZATION OF NEA STATUTE, STROHL
(NEA - LEGAL AFFAIRS) AS CHAIRMAN STATED PURPOSE OF
MEETING TO DEVELOP PROPOSED AMENDMENT FOR CONSIDERATION
AT OCTOBER 26, 1977 MEETING OF NEA STEERING COMMITTEE.
AFTER DETERMINING THAT NO DELEGATION INTENDED
PROPOSED ADDITIONAL AMENDMENTS BEYOND THOSE PREVIOUSLY

RECEIVED, STROHL MOVED ACCEPTANCE OF AMENDMENTS
PROPOSED IN DOCUMENT NE(74)1 AS MODIFIED BY NE(77)1.
GROUP APPROVED WITHOUT OPPOSITION. BALANCE OF MEETING
CONSIDERED U.S. PROPOSED AMENDMENTS.

3. AT CHAIRS REQUEST, U.S. REP (BRUSH - USERDA)
PROVIDED BRIEF SUMMARY OF U.S. PROPOSED ADDITIONAL
AMENDMENTS (REFS. A, B, C). U.S. REP WELCOMED
OPPORTUNITY TO PARTICIPATE, NOTING RECENT U.S.
ACCESSION TO FULL NEA MEMBERSHIP AND MADE FOLLOWING
POINTS (A) PURPOSE OF EXERCISE IS TO MODERNIZE NEA
STATUTE, AND IT IS APPROPRIATE TO REFLECT NATIONS
CONCERNS OVER NUCLEAR PROLIFERATION IN THE STATUTE;
(B) ALTHOUGH ORIGINAL STATUTE DID INDICATE MEMBER
STATES' DESIRE TO ENSURE SECURITY OF NUCLEAR NATIONALS,
TWENTY-YEAR-OLD LANGUAGE SHOULD BE MODERNIZED TO
REFLECT EXPERIENCE DURING THAT PERIOD; (C) U.S.
PROPOSED AMENDMENTS ON THIS ISSUE INTENDED TO REFLECT
EXPERIENCE, BUT DRAFTED TO AVOID RAISING ISSUES OF
CURRENT POLITICAL SENSITIVITY. IN REPLY, REPS OF
NETHERLANDS, SWEDEN, AUSTRIA, U.K., FRG, JAPAN
INDICATED FULL SUPPORT OF U.S. PROPOSALS, WITH SOME
PROPOSED DRAFTING CHANGES.

4. ARTICLE 1(B). U.S. PROPOSED AMENDMENT RE NON-
PROLIFERATION ACCEPTED. AT REQUEST OF JAPANESE REP,
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 PARIS 26336 01 OF 03 091840Z

SECRETARIAT EXPLANATION WILL INDICATE THAT PROPOSAL
IS SUPPORTIVE OF NPT, BUT DRAFTED SO AS TO AVOID
ANY SPECIFIC REFERENCE TO TREATIES TO WHICH ALL NEA
MEMBERS NOT PARTY. U.S. PROPOSAL TO DELETE REFERENCE
TO "IONIZING RADIATIONS" QUESTIONED BY REPS OF
SWEDEN, U.K., DENMARK, NETHERLANDS, IAEA, WHO SUGGESTED
PHRASE IN ARTICLE 1 BE CHANGED TO "NUCLEAR ENERGY
INCLUDING APPLICATIONS OF IONIZING RADIATIONS". THIS
FORMULATION ACCEPTED BY U.S. REP WITH UNDERSTANDING
REFERENCE TO IONIZING RADIATIONS IS IN NATURE OF EXAMPLE
OF NUCLEAR ENERGY AND THEREFORE NOT REDUNDANT. ALL
OTHER REFERENCES TO IONIZING RADIATIONS TO BE DELETED
FROM STATUTE.

5. U.S. AMENDMENT TO ARTICLE 3 ADOPTED WITHOUT
DISCUSSION.

6. U.S. PROPOSED AMENDMENT TO ARTICLE 4 QUESTIONED
BY FRENCH REP, WHO ARGUED INAPPROPRIATE TO REFER
SPECIFICALLY TO INTERNATIONAL ENERGY AGENCY AS OECD

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 PARIS 26336 02 OF 03 091857Z
ACTION L-03

INFO OCT-01 EUR-12 ISO-00 OES-07 ERDA-07 FEA-01
ACDA-10 CIAE-00 INR-07 IO-14 NSAE-00 NSC-05 EB-08
NRC-07 DODE-00 SS-15 SP-02 AF-10 ARA-14 EA-12
NEA-10 PM-05 AID-05 CEA-01 COME-00 FRB-01 USIA-15
OPIC-06 TRSE-00 LAB-04 SIL-01 AGRE-00 OMB-01 /184 W
-----034894 091916Z /47

P 091832Z SEP 77

FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 8407
INFO AMEMBASSY VIENNA PRIORITY

UNCLAS SECTION 02 OF 03 PARIS 26336

BODY. FOLLOWING LENGTHY DEBATE BETWEEN FRENCH REP
AND STROHL OVER ISSUE OF IEA LEGAL STATUS, PROPOSAL
MADE TO DELETE ALL REFERENCES TO SPECIFIC BODIES OF
OECD IN FAVOR OF PHRASE "IN COLLABORATION WITH OTHER
BODIES OF OECD ON MATTERS FALLING WITHIN THEIR AREAS
OF RESPONSIBILITY." U.S. REP AGREED WITH UNDER-
STANDING SECRETARIAT'S REPORT WILL LIST SUCH BODIES
INCLUDING IEA AND COMMITTEE FOR ENERGY POLICY. FRENCH
AND FINNISH REPS RESERVED "POLITICALLY" ON THIS ISSUE.
U.S. REP NOTED THAT MEMBERS OF LEGAL GROUP NOT EXPECTED
TO COMMIT THEIR GOVERNMENTS ON "POLITICAL" BASIS.

7. ARTICLE 6. FOLLOWING LENGTHY DEBATE WHETHER U.S.
PROPOSED WORDING ARTICLE 6 CONTEMPLATED
ALLOWING "PEACEFUL NUCLEAR EXPLOSIVES", AND WHETHER
PROPOSED U.S. AMENDMENT CONSISTENT WITH SUSPENDED
OECD CONVENTION ON SECURITY CONTROL (REF. C), ALL
REPS AGREED WITH PRINCIPLE CONTAINED U.S. PROPOSED
AMENDMENT. FOLLOWING TEXT OF ARTICLE 6 AGREED BY
ALL REPS ON BASIS THAT IT REFLECTS CONCERN OVER
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 PARIS 26336 02 OF 03 091857Z

PROLIFERATION, BUT AVOIDS APPARENT CONFLICT WITH OECD SECURITY CONTROL CONVENTION BY AVOIDING PHRASE "MILITARY PURPOSE": "GIVEN THE NEED TO PREVENT THE PROLIFERATION OF NUCLEAR EXPLOSIVE DEVICES, A SECURITY CONTROL SHALL BE ESTABLISHED WITH A VIEW TO ENSURING THAT THE OPERATION OF JOINT UNDERTAKINGS AND THE MATERIALS, EQUIPMENT AND SERVICE MADE AVAILABLE BY THE AGENCY OR UNDER ITS SUPERVISION, SHALL BE USED SOLELY FOR PEACEFUL PURPOSES."

8. ARTICLE 8. LENGTHY DEBATE RESULTED IN REORGANIZATION PROPOSED NEW ARTICLE 8. IMPORTANT RESULTS INCLUDE: (A) DELETION OF REFERENCE TO HEALTH AND SAFETY AND PHYSICAL SECURITY OF "TRANSPORTS" AT URGING OF IAEA REP AND OTHERS (REF. B, PARA. 6); (B) MOVING OF REFERENCE TO PHYSICAL SECURITY TO SUBPARA (A)(V); (C) INSERTION OF BRACKETS AROUND WORDS "OR MATERIALS" IN SUBPARA (A)(II) TO REFLECT EACH OF AGREEMENT WHETHER "MATERIAL" SHOULD BE SUBJECT OF "SAFETY" ACTIVITIES. AS FINALLY AGREED, TEXT OF ARTICLE 8 AS FOLLOWS (BASED ON TEXT IN DOCUMENT NE(74)1):

- SUBPARA (A)(I) AS PRINTED.
- SUBPARA (A)(II) AS PRINTED WITH INSERTION "(AND MATERIAL)" AFTER "INSTALLATIONS".
- SUBPARAS (A)(III) AND (IV) AS PRINTED.
- SUBPARA (V) AS FOLLOWS:

"SO FAR AS MAY BE CONSISTENT WITH THE NEED FOR PREVENTING PROLIFERATION OF NUCLEAR EXPLOSIVE DEVICES AND OF ENSURING THE EFFICIENT PHYSICAL PROTECTION OF NUCLEAR INSTALLATIONS AND MATERIAL, CONTRIBUTE TO

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 PARIS 26336 02 OF 03 091857Z

THE ELIMINATION OF OBSTACLES TO INTERNATIONAL TRADE OR TO DEVELOPMENT OF THE NUCLEAR INDUSTRY."

- PARA (C) BECOMES SUBPARA (A)(VI) WITH DELETION PHRASE "THE AGENCY SHALL".
- ADD NEW PARA (C) AS FOLLOWS: "THE AGENCY

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 PARIS 26336 03 OF 03 091852Z
ACTION L-03

INFO OCT-01 EUR-12 ISO-00 OES-07 ERDA-07 FEA-01
ACDA-10 CIAE-00 INR-07 IO-14 NSAE-00 NSC-05 EB-08
NRC-07 DODE-00 SS-15 SP-02 AF-10 ARA-14 EA-12
NEA-10 PM-05 AID-05 CEA-01 COME-00 FRB-01 USIA-15
OPIC-06 TRSE-00 LAB-04 SIL-01 AGRE-00 OMB-01 /184 W
-----034866 091914Z /47

P 091832Z SEP 77

FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 8408
INFO AMEMBASSY VIENNA PRIORITY

UNCLAS SECTION 03 OF 03 PARIS 26336

SHALL AS FAR AS POSSIBLE UNDERTAKE THE
ACTIVITIES REFERRED TO IN PARAGRAPH (A)
ABOVE IN COLLABORATION WITH THE INTER-
NATIONAL ATOMIC ENERGY AGENCY AND THE COM-
MISSION OF THE EUROPEAN COMMUNITIES".

FOREGOING AMENDMENT RE PHYSICAL PROTECTION STRONGLY
PRESSED BY FRENCH REP (SUPPORTED BY U.K. AND OTHERS)
OBJECTING TO COMBINING OF "SAFETY" AND "PHYSICAL
PROTECTION" IN ONE PARAGRAPH. U.S. REP AGREED ON
EXPRESS UNDERSTANDING THAT REMOVAL TO SUBPARA (A)(V)
OF REFERENCE TO PHYSICAL SECURITY DOES NOT REDUCE OR
QUESTION ABILITY OF NEA TO CONDUCT PHYSICAL SECURITY
STUDIES, ETC. CHAIR AGREED THAT REFERENCE TO
"DEVELOPMENT OF THE NUCLEAR INDUSTRY" ADEQUATE TO
COVER NEEDS OF NEA. FOREGOING CHANGES AGREED BY
WORKING GROUP.

9. ARTICLE 15. WORKING GROUP AGREED CONCEPT OF
PROPOSED U.S. MODIFICATION. TO SIMPLIFY TEXT, LAST
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 PARIS 26336 03 OF 03 091852Z

CLAUSE MODIFIED TO READ "AND MAY, CONSISTENT WITH
PARAGRAPHS (B) AND (C) BELOW, COOPERATE WITH THEM."

10. REVISED TEXT (WITH SECRETARIAT NOTES) WILL BE

PREPARED FOR SUBMISSION TO STEERING GROUP PRIOR
OCTOBER MEETING, U.S. REP INFORMALLY REQUESTED
OPPORTUNITY TO REVIEW NOTES PRIOR SUBMISSION AND
WAS ADVISED THAT REQUEST WOULD BE ACCOMMODATED.
SALZMAN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, NUCLEAR ENERGY, COMMITTEE MEETINGS, AMENDMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 09-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS26336
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770327-0590
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770981/aaaacqar.tel
Line Count: 283
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a8449849-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 39732, 77 STATE 69429
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1331759
Secure: OPEN
Status: NATIVE
Subject: MODERNIZATION OF NEA STATUTE--MEETING OF AD HOC LEGAL WORKING GROUP
TAGS: TGEN, OECD
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/a8449849-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009